

# The Rosner Law Group LLC

Attorneys at Law

824 N. Market Street, Suite 810  
Wilmington, Delaware 19801  
(302) 777-1111  
www.teamrosner.com

FREDERICK B. ROSNER\*  
rosner@teamrosner.com

SCOTT J. LEONHARDT  
leonhardt@teamrosner.com

ZHAO "RUBY" LIU+  
liu@teamrosner.com

\* Also admitted in NY

+ Also admitted in PA

February 5, 2024

**VIA HAND DELIVERY & CM/ECF**

The Honorable Leonard P. Stark  
United States District Court  
for the District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, Delaware 19801-3570

Robert B. Pincus, Esq.  
Special Master for the United States District  
Court for the District of Delaware  
PO Box 4570  
Wilmington, Delaware 19807

**Re: Crystallex International Corporation v. Bolivarian Republic of Venezuela, D.  
Del. Misc. No. 17-00151-LPS;  
Ostrider Limited v. PDVSA Petroleo S.A., D. Del. C.A. 23-cv-1405-LPS;  
UML Blanford Limited v. PDVSA Petroleo S.A., D. Del. C.A. 23-cv-1406-LPS;  
Union Glory Limited v. PDVSA Petroleo S.A., D. Del. C.A. 23-cv-1407-LPS;  
Clion Limited v. PDVSA Petroleo S.A., D. Del. C.A. 23-cv-1408-LPS;  
Clion Limited v. PDVSA Petroleo S.A., D. Del. C.A. 23-cv-1409-LPS.  
Supplemental Status Submission**

Dear Judge Stark and Special Master Pincus:

Judge Stark  
February 5, 2024  
Page 2

We are attorneys for Petitioners Ostrider Limited, UML Blandford Limited, Union Glory Limited and Clion Limited (collectively, the “Petitioners”), in the captioned matters. Petitioners respectfully submit this letter to supplement their December 12, 2023, submission in the *Crystallex* Action (Misc. No. 17-151 D.I. 794, 795, 796, 797, 798) in which Petitioners in good faith: (i) provided details to the Special Master and the Court that on December 7, 2023, petitions to recognize, confirm and enforce the foreign arbitration awards (the “Petitions”) were filed, completing Step 1, (ii) providing the initial amounts of the applicable awards for Special Master to consider the universe of actions that were being pursued before this Court, and (iii) by doing so, Petitioners were initiating steps to obtain judgments and writs of attachment. The above was in response to Special Master Pincus’s “request” by letter of August 7, 2023 (D.I. 652) to “Any Judgment Holder” that notice be given of judgment amounts, even though Petitioners had not yet obtained a judgment, and in accordance with the Court’s oral order of August 8, 2023 (D.I. 654), the Joint Status Report dated August 24, 2023 (D.I. 693) and the Court’s memorandum order dated October 11, 2023 (D.I. 738).

Petitioners provide this good faith supplemental submission to alert the Court and the Special Master on their respective matters, and because there is uncertainty on how the sale and any potential remainder thereof would affect Petitioners’ interests.<sup>1</sup>

At the time of this supplemental good faith submission, Petitioners have completed Steps 1-4, which are outlined below.

---

<sup>1</sup> The Court denied Petitioners’ Motion for Extension of Step 5 and Related Deadlines (*see e.g.*, Misc. No. 17-151 D.I. 849, 887; C.A. No. 23-1405 D.I. 13, 32).

Judge Stark  
February 5, 2024  
Page 3

- **Step 1: A creditor proves it is owed some debt by a Venezuelan Party. Date completed: December 7, 2023.**

Petitioners are creditors of PDVSA Petroleo, S.A. (“PDVSA, S.A.”) under Arbitral Awards issued pursuant to the UK Arbitration Act 1996, issued on April 14, 2023, as amended by Addendum thereto on May 31, 2023 (C.A. No. 23-1405 D.I. 1, 3, Ex. A-B; C.A. No. 23-1406 D.I. 1, 3, Ex. A-B; C.A. No. 23-1407 D.I. 1, 3, Ex. A-B; C.A. No. 23-1408 D.I. 1, 3, Ex. A-B; and C.A. No. 23-1409 D.I. 1, 3, Ex. A-B).

Petitioners acknowledge that their awards are against PDVSA, S.A. and that the Sales Procedure Order defines Venezuela Parties as “‘Defendant Bolivarian Republic of Venezuela’ (the ‘Republic’), Intervenor Petroleos de Venezuela, S.A. (‘PDVSA’), Garnishee PDV Holding, Inc. (‘PDVH’), Intervenor CITGO Petroleum Corp. (‘CITGO Petroleum,’ and together with the Republic, PDVSA and PDVH, the ‘Venezuela Parties’)” (Misc. No. 17-151 D.I. 481 at 1.). However, as set forth in their Motions for a Conditional Writ of Attachment Fieri Facias (see e.g., C.A. No. 23-1405 D.I. 16), Petitioners contend and have demonstrated with evidentiary support that PDVSA is the alter ego of PDVSA, S.A. Petitioners and PDVSA have stipulated on a briefing schedule that will ultimately determine the alter ego issue.

- **Step 2: The creditor enforces its award in a U.S. Court and receives a judgment. Date completed: January 31, 2024.**
- **Step 3: The creditor registers its judgment in the District of Delaware. Date completed: January 31, 2024.**

Judge Stark  
February 5, 2024  
Page 4

On January 18, 2024, the Court rendered a Memorandum Order granting the Petitions as unopposed and directing the submission of a proposed judgment which Petitioners filed on January 22, 2024.

On January 31, 2024, the Court entered Petitioners' respective judgments (C.A. No. 23-1405 D.I. 37; C.A. No. 23-1406 D.I. 34; C.A. No. 23-1407 D.I. 34; C.A. No. 23-1408 D.I. 34; and C.A. No. 23-1409 D.I. 34), completing Step 2.

Petitioners obtained Judgments in Delaware, thus completing Step 3. Petitioners' judgments are against PDVSA, S.A., a wholly owned subsidiary of Petroleos de Venezuela, S.A. ("PDVSA"), which has property in this District. As demonstrated in Petitioners' motions for writ of fieri facias, PDVSA constitutes PDVSA, S.A.'s alter ego.

- **Step 4: The creditor moves in Delaware for a writ of attachment fieri facias ("fi. fa."). Date completed: January 11, 2024.**

Since their initial filing on December 7, 2023, Petitioners moved diligently to obtain judgments and follow the Court mandated steps to participate as Additional Judgement Creditors. However, noting that judgments had not been entered before the relevant Step 5 (Writ) deadline, Petitioners moved for conditional writs of attachment *fieri facias* on January 11, 2024, in advance of the Step 5 (Writ) deadline.

Respectfully submitted,

/s/ Scott J. Leonhardt

Scott J. Leonhardt (DE #4885)